IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

LA.App..No. 76 of 2002(D) & Cross Objection 57/03

LAR.485/1997 of PRL.SUB COURT, KOZHIKODE
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APPELLANT: RESPONDENT NO.2

STATE OF KERALA.

BY GOVERNMENT PLEADER SRI.K.V.MANOJKUMAR.

RESPONDENTS: RESPONDENT NO.1 & PETITIONER

NARANGOLI KHADEEJA, VENGERI AMSOM,
KARUVISSERY, KOZHIKODE.

BY ADV. SRI.T.G.RAJENDRAN

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 07/09/2007, ALONG WITH CO NO. 57 OF 2003 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO.76 OF 2002 & Cross Objection 57/03

Dated 7th September, 2007.

J U D G M E N T

Kurian Joseph, J.

This appeal is directed against the judgment and decree in L.A.R.No.485/97 on the file of the Sub Court, Kozhikode. The acquisition is for the purpose of Calicut Bypass. The Reference Court has relied on the judgment in L.A.R.450/97. It is brought to our notice that this Court has already remanded the matter by judgment in L.A.A.542/01 and connected cases. For parity of reasons, we set aside the judgment and decree in L.A.R.485/97 and remit the matter to the Sub Court, Kozhikode to be tried along with L.A.R.450/97.

2. Since we have remanded the reference to the court below, it is only appropriate that the claimants are given a fresh opportunity before the reference court itself, in respect also of the contentions taken in the Cross Objection. Therefore, the Cross Objection is also disposed of with liberty to the cross objector to take up all available contentions before the reference

court. In view of the orders as above in the appeal and Cross Objection, the cross objector shall be entitled to refund of the court fee.

KURIAN JOSEPH, JUDGE.

HARUN-UL-RASHID, JUDGE.

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KURIAN JOSEPH &

HARUN-UL-RASHID, JJ

L.A.A. NO.76 OF 2002
& C.O.57/03

J U D G M E N T

Dated 7th September, 2007.